

No. 23-12737

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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YIFAN SHEN, et al.,

*Plaintiffs–Appellants,*

v.

WILTON SIMPSON, in his official capacity as  
Florida Commissioner of Agriculture, et al.,

*Defendants–Appellees.*

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On Appeal from the United States District Court  
for the Northern District of Florida, No. 4:23-cv-208 (Winsor, A.)

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**NOTICE TO THE COURT CONCERNING  
PLAINTIFF–APPELLANT ZHIMING XU**

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**NOTICE TO THE COURT CONCERNING**  
**PLAINTIFF–APPELLANT ZHIMING XU**

Plaintiff Zhiming Xu, through undersigned counsel, writes to inform the Court that he intends to proceed with the closing for his contracted-for home, which is scheduled for Tuesday, November 28, 2023. The seller of the property, Lennar Homes LLC, has refused to further delay the closing.

Mr. Xu previously intended to cancel his contract if he failed to obtain an injunction against the enforcement of SB 264. *See* App. 120. Although Plaintiffs’ Time-Sensitive Motion for an Injunction Pending Appeal is still pending before the Court, *see* Dkt. No. 4-1, the seller’s refusal to delay the closing past November 28 has left Mr. Xu in an impossible position. He faces the prospect of losing both his \$31,250 deposit and the unique property for which he contracted. Ultimately, after much consideration, Mr. Xu has decided that he wishes to proceed with the transaction, notwithstanding the substantial risks resulting from SB 264’s unconstitutionally vague terms and his fear that the law will be enforced against him.

Mr. Xu continues to respectfully request that the Court enjoin the enforcement of SB 264 pending appeal, *see* Dkt. Nos. 4-1 & 48, and reverse the district court’s denial of Plaintiffs’ motion for a preliminary injunction, *see* Dkt. Nos. 38 & 51.

Dated: November 27, 2023

Respectfully submitted,

/s/ Ashley Gorski

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 27, 2023, the foregoing was filed electronically with the Clerk of Court through the appellate CM/ECF system. I further certify that all parties required to be served have been served.

Dated: November 27, 2023

/s/ Ashley Gorski  
Ashley Gorski  
American Civil Liberties Union  
Foundation

*Attorney for Plaintiffs–Appellants*